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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,)
13 Plaintiff,)
14 v.) 2:12-CV- 2126 JCM (RJJ)
15 \$761,515.36 IN UNITED STATES CURRENCY,)
16 Defendant.)

**THE UNITED STATES OF AMERICA'S UNOPPOSED APPLICATION TO EXTEND
THE TIME TO FILE A CIVIL COMPLAINT FOR FORFEITURE IN REM AGAINST
THE \$761,515.36 IN UNITED STATES CURRENCY
(First Request)**

20 The United States of America (“United States”), by and through Daniel G. Bogden, United States
21 Attorney for the District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney;
22 Ramon Desage (“Desage”), by and through his counsel, Richard A. Wright; and William Richardson
23 (“Richardson”), by and through his counsel, David Z. Chesnoff, respectfully apply for an extension of
24 time until and including February 19, 2013, pursuant to 18 U.S.C. § 983(a)(3)(A), for the United States
25 to file a Civil Complaint For Forfeiture In Rem against the \$761,515.36 in United States Currency. The
26 Complaint is currently due December 17, 2012.

1 The grounds for this unopposed application are counsel for the United States, Desage, and
2 Richardson have agreed to the extension.

3 This Unopposed Application is made and is based on this Unopposed Application and the attached
4 Memorandum of Points and Authorities.

5 DATED this 13th day of December, 2012.

6 DANIEL G. BOGDEN
7 United States Attorney

8 /s/DanielD.Hollingsworth
9 DANIEL D. HOLLINGSWORTH
Assistant United States Attorney

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MEMORANDUM OF POINTS AND AUTHORITIES

I. Statement Of Facts

3 On or about July 6, 2012, the Internal Revenue Service, the Department of the United States
4 Treasury in Las Vegas, Nevada ("IRS") executed a civil seizure warrant on any and all funds held in
5 Bank of Nevada Account Number xxxxxx4709 in the name of Ramon Desage, located at 2700 West
6 Sahara Avenue, Las Vegas, Nevada 89102, seizing \$761,515.36.

On or about September 6, 2012, the IRS mailed the notice of administrative forfeiture by regular first class mail and certified return receipt requested to Ramon Desage (“Desage”) and William Richardson (“Richardson”).

10 On or about September 18, 2012, the IRS received claims from Desage and Richardson requesting
11 a judicial action.

12 On December 12, 2012, Richard A. Wright, counsel for Desage, and David Z. Chesnoff, counsel
13 for Richardson, agreed to the extension of time and authorized counsel for the United States to file this
14 Unopposed Application with this Court.

II. ARGUMENT

16 This Court should grant this application for an extension of time to file the Civil Complaint For
17 Forfeiture In Rem against the \$761,515.36 in United States Currency.

18 Not later than 90 days after a claim has been filed, the Government shall file a complaint for
19 forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and
20 Maritime Claims ... except that a court in the district in which a complaint will be filed may
extend the period for filing a complaint for good cause shown or *upon agreement of the parties.*

18 U.S.C. § 983(a)(3)(A) (emphasis added); *United States v. 475 Martin Lane*, 545 F.3d 1134, 1146 (9th Cir. 2008) (holding “that 18 U.S.C. § 983(a)(3)(A) authorizes district courts to grant ex parte extensions of time in which to file a civil forfeiture complaint.”)

24 A district court has authority under § 983(a)(3)(A) to extend the period for filing a Civil Complaint
25 For Forfeiture In Rem. On December 12, 2012, Desage's counsel and Richardson's counsel agreed to
26 the extension of time and authorized counsel for the United States to file this Unopposed Application

1 with this Court. Because the parties have agreed to the extension of time to file a Civil Complaint For
2 Forfeiture In Rem, this Court should extend the time.

3 This Unopposed Application is not submitted solely for the purpose of delay or for any other
4 improper purpose.

5 **II. Conclusion**

6 This Court should grant an extension of time until February 19, 2013, pursuant to § 983(a)(3)(A),
7 for the United States to file a Civil Complaint For Forfeiture In Rem against the \$761,515.36 in United
8 States Currency because counsel for the United States, Desage, and Richardson have agreed to the
9 extension of time.

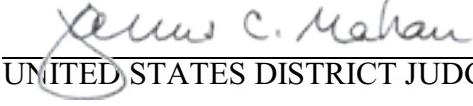
10 DATED this 13th day of December, 2012.

11 Respectfully submitted,

12 DANIEL G. BOGDEN
United States Attorney

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14 /s/Daniel D. Hollingsworth
15 DANIEL D. HOLLINGSWORTH
Assistant United States Attorney

16
17 IT IS SO ORDERED:

20 
UNITED STATES DISTRICT JUDGE
21 DATED: December 21, 2012

PROOF OF SERVICE

I, Daniel D. Hollingsworth, certify that the following individuals were served **THE UNITED STATES OF AMERICA'S UNOPPOSED APPLICATION TO EXTEND THE TIME TO FILE A CIVIL COMPLAINT FOR FORFEITURE IN REM AGAINST THE \$761,515.36 IN UNITED STATES CURRENCY (First Request)** on December 13, 2013, by the below identified method of service:

Mail

Richard A. Wright
300 South Fourth Street, Suite #701
Las Vegas, Nevada 89101
Counsel for Ramon Desage

David Z. Chesnoff
520 South Fourth Street
Las Vegas, Nevada 89101
Counsel for William Richardson

/s/Daniel D. Hollingsworth
DANIEL D. HOLLINGSWORTH
Assistant United States Attorney

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

United States of America

DEFENDANTS

\$761,515.36 in United States Currency

(b) County of Residence of First Listed Plaintiff Clark
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant Clark
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

(c) Attorney's (Firm Name, Address, and Telephone Number)

United States Attorney's Office, DANIEL D. HOLLINGSWORTH,
AUSA, 333 Las Vegas Blvd. South, Suite 5000, Las Vegas, NV 89101

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|-----------------------------------------------------------------|---------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant. | <input type="checkbox"/> 4 Diversity
(Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business In This State	PTF	DEF
<input type="checkbox"/>	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/>	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/>	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/>	<input type="checkbox"/> 5	<input type="checkbox"/> 5
<input type="checkbox"/>	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/>	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug Med. Malpractice <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
			SOCIAL SECURITY <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
				FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

- | | | | | | | |
|-----------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------|---------------------------------------------------|------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|-----------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------|---------------------------------------------------|------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------------------------------|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C 1345TT

VI. CAUSE OF ACTION

Brief description of cause:
Asset Forfeiture seeking the forfeiture of the defendant property.

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

November 13, 2012
FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD*

Daniel D. Hollingsworth

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE